

52:27D-25a to 52:27D-25g

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-25a to 52:27D-25g

(Bureau of Fire Safety and Fire Safety Commission-establish--appropriate \$300,000)

LAWS OF: 1983

CHAPTER: 382

Bill No: S1931

Sponsor(s): Caufield and others

Date Introduced: November 23, 1982

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: July 7, 1983

Senate: January 27, 1983

Date of Approval: November 12, 1983

Following statements are attached if available:

Sponsor statement:

Yes (also attached: Senate amendments, adopted 1-27-83 (with statement))

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

Yes

Following were printed:

Reports:

Yes

Hearings:

Yes

Report, referred to in sponsors' statement:

(Over)

974.90 New Jersey. Fire Safety Study Commission.
S128 Final report... November 22, 1982
1982b Trenton, 1982.
(See especially pp 9-10-57,107-111).

974.90 New Jersey
S128 Public hearing, held 8-18-81, 9-22-81,
1981 10-20-81 & 11-24-81. S. Orange, Camden,
Asbury Park, New Brunswick, 1981.

11-12-83

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1931

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1982

By Senators CAUFIELD, FORAN, HIRKALA, LIPMAN, LARocca,
CODEY, GALLAGHER, DUMONT, DALTON, BASSANO, GORM-
LEY, DiFRANCESCO and BORNHEIMER

Referred to Committee on County and Municipal Government

AN ACT establishing a bureau of fire safety and a fire safety com-
mission in and transferring the Office of State Fire Marshal to
the Division of Housing and Urban Renewal in the Department
of Community Affairs, and providing an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Bureau" means the bureau of fire safety established by sec-
3 tion 2 of this act.

4 b. "Commissioner" means the Commissioner of the Department
5 of Community Affairs.

6 c. "Department" means the Department of Community Affairs.

7 d. "Commission" means the fire safety commission established
8 by section 5 of this act.

1 2. There is established in the Division of Housing and Urban
2 Renewal in the Department of Community Affairs a bureau of
3 fire safety. Within three months of the effective date of this act,
4 after reviewing the functions and duties required of the bureau
5 by this act and transferred to the bureau by this act, the com-
6 missioner shall prepare ***[a new]*** **an** organizational plan of the
7 bureau.

1 3. The bureau shall be under the immediate oversight of a super-
2 visor who shall administer and enforce the provisions of this act,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 16, 1982.

**—Senate amendments adopted January 27, 1983.

***—Assembly committee amendments adopted June 27, 1983.

****—Assembly amendment adopted July 11, 1983.

3 subject to the supervision and control of the commissioner, and
 4 who shall perform other duties as directed by the commissioner
 5 or as provided by law. The supervisor shall be appointed by the
 6 commissioner subject to the provisions of Title 11 of the Revised
 7 Statutes. The fire safety commission shall advise the commissioner
 8 on the qualifications of the supervisor.

1 4. In addition to any other powers and duties invested in it by
 2 law or by the commissioner, the bureau shall:

3 a. Provide staff support for the work of the fire safety com-
 4 mission and its advisory councils;

5 b. Administer and enforce the "Uniform Fire Safety Act," es-
 6 tablished by P. L. , c. (C.) (now pending before
 7 the Legislature as Senate Bill No. 1933 of 1982);

8 c. Implement training and education programs for the fire ser-
 9 vice and the public;

10 d. Administer a fire incident reporting system; and

11 e. Conduct research and master planning for fire safety.

1 5. a. To assist and advise the commissioner in the administra-
 2 tion of this act, there is created in the Department of Community
 3 Affairs a fire safety commission consisting of *****[17]***** *****19*****
 4 members. The commission shall consist of: two members of the
 5 Senate, appointed by the President of the Senate, who shall
 6 not be **both** of the same political party; two members of
 7 the General Assembly, appointed by the Speaker of the General
 8 Assembly, who shall not be **both** of the same political party;
 8A *****[eight]***** *****seven***** citizens of the State, appointed
 9 jointly by the President of the Senate and the Speaker of the
 10 General Assembly, no more than four of whom shall be of the same
 11 political party, including a representative of a volunteer fire orga-
 12 nization, a representative of a *****[fire safety code administration or**
 13 **enforcement agency]***** *****construction labor organization*****, a
 14 representative of the fire insurance industry, a representative of the
 15 construction industry, a representative of *****[a consumer**
 16 **agency]***** *****the International Association of Fire Chiefs*****, a
 17 *****[local government]***** *****municipal***** construction *****[code]*****
 18 official, *****and***** a representative of the New Jersey State Fire
 19 Prevention *****and Protection***** Association*****[**, and a representa-
 20 tive of the New Jersey Paid Fire Chiefs' Association**]*****; and
 21 *****[five]***** *****eight***** citizens of the State appointed by the
 22 Governor, no more than *****[three]***** *****four***** of whom shall
 23 be of the same political party, *****[including]***** *****and who shall**
 24 **include***** a representative of the New Jersey State Firemen's
 25 Mutual Benevolent Association, *****[and]***** a representative of the

26 New Jersey League of Municipalities**, ***[a representative]***
 27 ***two representatives*** of the volunteer fire service, ***one of
 28 whom shall be a representative of the New Jersey State Volunteer
 29 Firemen's Association,*** a representative of the New Jersey
 30 ***State*** Fire Chiefs' Association, ***a representative of the
 31 New Jersey Paid Fire Chiefs' Association, a representative of the
 32 Fire Fighters' Association of New Jersey,*** and a municipal fire
 32A protection subcode official**. The members of the Senate and
 32B General Assembly appointed to the commission shall serve for
 32C terms * [that expire with the expiration of their legislative terms]*
 32D *which shall be for the legislative session for which they were
 32E elected*. Of the ***[eight]*** ***seven*** members first ap-
 32F pointed jointly by the President of the Senate and the Speaker of
 32G the General Assembly, three shall be appointed for terms of five
 33 years, three shall be appointed for terms of four years, and
 34 ***[two]*** ***one*** shall be appointed for ***[terms]*** ***a
 35 term*** of three years. Of the ***[five]*** ***eight*** members
 35A first appointed by the Governor, ***[two]*** ***three*** shall be
 36 appointed for terms of five years, ***[one]*** ***three*** shall be
 37 appointed for ***[a term]*** ***a term*** of four years, and two
 37A shall be appointed for terms of three years. Thereafter, members
 37B of the fire safety commission*, *except as provided above for mem-*
 37C *bers of the Legislature,** shall be appointed for terms of five years.
 37D Vacancies on the commission shall be filled*, *in the same manner as*
 37E *the original appointment but** for the unexpired term. Members
 37F may be removed by the appointing authority for cause.

38 b. Members of the fire safety commission shall serve without
 39 compensation but shall be entitled to reimbursement for expenses
 40 incurred in performance of their duties*, *within the limits of any*
 41 *funds appropriated or otherwise made available for that purpose*.*

41A c. To advise and assist the fire safety commission in the per-
 41B formance of its responsibilities under this act, there are created
 41C four advisory councils * [to deal with]* *, *one in each of the*
 41D *the following subject areas:** the "Uniform Fire Safety Act";
 42 training and education ******which shall be comprised of at least 60%*
 43 *of the representatives of the volunteer fire service******; statistics
 44 and information; and master planning and research. Additional
 45 advisory councils shall be created by the fire safety commission as
 46 it deems appropriate. Each advisory council shall consist of one
 47 member of the fire safety commission, who shall be chairman, and
 48 as many citizens who are knowledgeable and experienced in matters
 49 related to the particular subject as the fire safety commission shall
 50 appoint. Members of the advisory councils shall serve without
 51 compensation and at the pleasure of the fire safety commission.

1 6. Pursuant to the "State Agency Transfer Act," P. L. 1971,
2 c. 375 (C. 52:14D-1 et seq.), personnel assigned to the Office of
3 the State Fire Marshal in the Division of State Police in the
4 Department of Law and Public Safety, together with all of its
5 functions, powers and duties*,* are transferred to the bureau of fire
6 safety established by section 2 of this act in the Division of Housing
7 and Urban Renewal in the Department of Community Affairs. The
8 Department of Community Affairs shall reorganize the functions,
9 duties and titles of the personnel transferred.

1 7. ***Two*** *Within two* years ***from*** *following* the effec-
2 tive date of this act, the fire safety commission shall consider
3 whether *or not* the bureau of fire safety, established by section 2
4 of this act, should be made a division in the department, and shall
5 report ***their*** *its* recommendation to the Governor and the
6 Legislature.

1 8. There is appropriated to the Division of Housing and Urban
2 Renewal in the Department of Community Affairs, \$300,000.00 for
3 the implementation of the provisions of this act.

1 9. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish a bureau of fire safety and a fire safety commission within the Division of Housing and Urban Renewal in the Department of Community Affairs in order to create a coordinated, integrated, centralized administration for fire-related activities within State government.

The New Jersey Fire Safety Study Commission, in conducting its study of State laws and regulations dealing with fire safety pursuant to Joint Resolution No. 7 of 1981, concluded that the functions of fire protection in New Jersey, which depend upon each other and should operate in a unified manner, are instead scattered among a variety of departments, agencies, and authorities. As a result, the State's fire protection system is inefficient, and little, if any, progress takes place.

As the Fire Safety Study Commission has recommended, this bill establishes a bureau of fire safety and a fire safety commission with four advisory councils in the Division of Housing and Urban Renewal, in the Department of Community Affairs (DCA). DCA, in the opinion of the Fire Safety Study Commission, is the department within State government best suited to deal with fire-related problems, because of its experience in implementing the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1 et seq.), the "Rooming and Boarding House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et seq.), and the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.), all of which deal with fire safety.

S1931(1983)

ADOPTED
JAN 27 1983

Sec.	Line	
5	12-13	Omit "fire safety code administration or "enforcement agency" insert "construction labor organization" <i>on line 12 +</i>
5	14-15	Omit "a consumer agency" insert "the International Association of Fire Chiefs" <i>on line 13 and</i>
5	15	Omit "local government" insert "municipal"; omit "code"
5	16	After "Prevention" insert "and Protection"
5	20	Omit "including" insert "and who shall include"
5	21	Omit "and"
5	22	After "Municipalities" insert ", a representative of the volunteer fire service, a representative of the New Jersey Fire Chiefs' Association, and a municipal fire protection subcode official"

STATEMENT

These amendments broaden the representation on the fire safety commission by including members of additional organizations.

3. The bureau shall be under the immediate oversight

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1931

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

Senate Bill No. 1931 (OCR) establishes a bureau of fire safety and a permanent fire safety and a permanent fire safety commission within the Division of Housing and Urban Renewal in the Department of Community Affairs. The bill also transfers the personnel, functions, powers and duties of the Office of the State Fire Marshal in the Division of State Police in the Department of Law and Public Safety to the bureau of fire safety.

As amended by the committee, the fire safety commission is to consist of 19 members, who are to assist and advise the Commissioner of the Department of Community Affairs in the administration of this legislation. The members of the commission are to be appointed as follows: two Senators appointed by the Senate President and two Assemblymen appointed by the Speaker, seven citizens of the State appointed jointly by the President of the Senate and the Speaker of the General Assembly, and eight citizens of the State appointed by the Governor. The bill directs that certain of the appointees shall be representatives of specific organizations, associations, industries or other bodies. The members of the commission are to serve without compensation for terms of five years.

To advise and assist the fire safety commission, the bill establishes four advisory councils. Each council is to focus on one subject area. The subject areas set forth in the bill are: (1) the "Uniform Fire Safety Act," (2) training and education, (3) statistics and information, and (4) master planning and research. Each council is to consist of one member of the fire safety commission, who is to serve as the chairman, and as many citizens as the commission may wish to appoint. The appointees are to be "knowledgeable and experienced in matters related to the particular subject" and are to serve without compensation.

The bill includes an appropriation of \$300,000.00 to effectuate the purposes of this legislation.

The committee notes that Senate Bill No. 1931 (OCR), as amended by the committee is identical to Assembly Bill No. 2205 with Assembly committee amendments.

LAW LIBRARY COPY
DO NOT REMOVE

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1931

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1982

Senate Bill No. 1931 establishes a bureau of fire safety in the Division of Housing and Urban Renewal in the Department of Community Affairs, and transfers the personnel, functions, powers and duties of the Office of the State Fire Marshal in the Division of State Police in the Department of Law and Public Safety to the bureau of fire safety. Senate Bill No. 1931 also establishes a fire study commission in the Department of Community Affairs and four advisory councils to assist the commission.

The bureau and the commission are created for the purpose of developing a coordinated, integrated, and centralized policy for fire-related activities in the State.

This bill represents one of the several final recommendations of the New Jersey Fire Safety Study Commission.

The Senate committee amendments are technical and clarifying in nature.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

SATURDAY, NOVEMBER 12, 1983

Governor Thomas H. Kean, in a move he termed "significant progress toward reducing fire related deaths as well as assuring greater individual protection from fires," today signed legislation to establish a statewide Uniform Fire Safety Code, as well as, a Bureau of Fire Safety, and a Fire Safety Commission.

Kean signed the bills at a public ceremony at the Newark Fire Training Academy. The legislation, S-1931 and S-1933, was sponsored by State Senator John Caufield, D-Essex, who is also Newark City Fire Director.

The uniform safety code is designed to establish minimum standards for all structures, with the exception of one and two family buildings and provide for statewide cooperation and enforcement of its provisions.

The Bureau of Fire Safety and the Fire Safety Commission are established in the Department of Community Affairs. The Bureau will be responsible for the enforcement of the uniform fire safety code, training and educational programs, a fire incident reporting system, and research and planning functions for fire safety.

The Commission, to consist of 19 members to be appointed by the Governor, the President of the Senate and the Speaker of the Assembly, will assist and advise the Commissioner of the Department of Community Affairs in the administration of the law.

The legislation signed by the Governor was developed by the Fire Safety Study Commission which was chaired by Senator Caufield.

-more-

November 12, 1983

"All of us are painfully aware of fire tragedies and all of us are just as aware that the loss of life probably could have been averted through greater use of fire safety warning devices and procedures," the Governor said. "The creation of the statewide uniform fire code will mean that such improvements as alarm systems, smoke detectors, and sprinkler systems will become standard equipment in most buildings."

"It means, further, the development of regulations concerning electrical fire hazards, emergency exits, evacuation plans, fire drills, and built-in fire fighting equipment," the Governor said.

Kean said the code would be of particular significance in buildings used for public gatherings, such as hotels and convention centers, and for high-rise dwelling units.

"Too often, we have seen news coverage of fires which result in heavy loss of life because of failed alarm systems, because of poorly marked emergency exits, because of a lack of emergency procedures, or because the height of a building prevented rescuers from reaching trapped persons," Kean said. "This legislation specifically addresses the problem of tall buildings by providing a registration and licensing procedure as well as giving the Commissioner the power to close the building until any violations discovered are corrected."

-more-

November 12, 1983

This provision applies to dwelling units in excess of six stories or which are more than 75 feet above the lowest level accessible to a fire department vehicle. The legislation also provides for registration and licensing for such buildings as night clubs, auditoriums enclosed malls, theaters, libraries, restaurants, stadiums, and other similar public gathering facilities.

Owners of the high-rise structures and the public gathering places must pay an annual registration fee to be set by the Department. Failure to register is punishable by a fine of between \$200 and \$1,000. These structures are also subject to annual inspections and the legislation provides for shorter interval inspections if necessary.

For other buildings under the legislation, violations are punishable by a fine not to exceed \$5,000. If, however, a violation constitutes an imminent hazard to the safety of the occupants of a building, it may be ordered closed and vacated until the violation is corrected.

The bill is effective six months from enactment.

Under the legislation which creates the Bureau of Fire Safety, personnel now assigned to the Office of the State Fire Marshall will be attached to the new bureau.

The legislation carries a \$300,000 appropriation to implement it and is effective immediately.

#####